

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON CONTENT SERVICES LLC, a
Delaware corporation, PENGUIN RANDOM
HOUSE LLC, a Delaware corporation, LEE
CHILD, SYLVIA DAY, JOHN GRISHAM, C.J.
LYONS, DOUG PRESTON, JIM
RASENBERGER, T.J. STILES, R.L. STINE,
MONIQUE TRUONG, SCOTT TUROW,
NICHOLAS WEINSTOCK, AND STUART
WOODS,

Plaintiffs,

v.

KISS LIBRARY d/b/a KISSLY.NET,
WTFFASTSPRING.BID, LIBLY.NET, and
CHEAP-LIBRARY.COM, RODION
VYNNYCHENKO, ARTEM
BESSHAPOCHNY, JACK BROWN, and
DOES 1-10,

Defendants.

NO. 2:20-cv-01048 MJP

PLAINTIFFS' STATUS REPORT
PURSUANT TO OCTOBER 27,
2020 ORDER (DKT. 16)

Pursuant to the Court's Minute Order issued October 27, 2020, Dkt. 16, Plaintiffs
provide this report updating the status of litigation in this case.

Procedural Posture. Plaintiffs, a collection of some of the world's most prominent
publishers and authors, filed this action on July 7, 2020, to stop Defendants' widespread
copyright infringement of Plaintiffs' works through a ring of piracy websites. Plaintiffs named
as Defendants the ring of piracy websites and their known and unknown operators, Defendants

1 Rodion Vynnychenko, Artem Besshapochny, Jack Brown, and Does 1-10. That same day,
 2 Plaintiffs filed a motion seeking, among other relief, a temporary restraining order, alternate
 3 service on certain Defendants, expedited discovery, and an *ex parte* restraint on Defendants’
 4 assets and websites. Dkt. 2 (together with its supporting declarations, the “Motion”). On July
 5 8, 2020, this Court granted that Motion. Dkt. 10 (the “TRO Order”). On August 27, 2020, this
 6 Court granted Defendants a preliminary injunction and related relief. Dkt. 15.

7 **Service of Process.** Immediately upon issuance of the TRO Order, Plaintiffs began the
 8 process of serving the named Defendants, all of whom are located overseas.

- 9 ▪ Defendant Kiss Library. On July 8, 2020, Plaintiffs served the Summons and
 10 Complaint, the Motion, and the TRO Order on Defendant Kiss Library, via email
 11 pursuant to the Court’s authorization for alternate service in the TRO Order. *See*
 12 Dkt. 12 ¶ 3.
- 13 ▪ Defendant Jack Brown (located in Australia). On September 29, 2020, Plaintiffs
 14 personally served Defendant Jack Brown in Erskineville, New South Wales,
 15 Australia, with the Summons and Complaint, the Motion, and the TRO Order by
 16 process server. Plaintiffs have therefore effected proper service on Mr. Brown in
 17 accordance with the Hague Convention and local law. *See, e.g., DFSB Kollektive*
 18 *Co. v. Tran*, 2011 WL 6730678, at *6 (N.D. Cal. Dec. 21, 2011) (service by process
 19 server in Australia was proper because “[b]oth the Hague Convention, and the rules
 20 of civil procedure in New South Wales allow personal service of process on an
 21 individual by private-process server”).
- 22 ▪ Defendants Vynnychenko and Besshapochny (located in Ukraine). Plaintiffs have
 23 been diligently working to serve Messrs. Vynnychenko and Besshapochny under the
 24 Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents
 25 in Civil or Commercial Matters (the “Hague Convention”). Under Ukrainian law,
 26 documents to be served under the Hague Convention must be served by a court at a
 27 judicial hearing.

- Mr. Besshapochny. The Ukrainian court served Mr. Besshapochny with the Summons and Complaint, the Motion, and the TRO Order at a hearing on November 2, 2020, and is now in the process of completing a Certificate of Service under the Hague Convention and transmitting it to the Ukrainian Ministry of Justice. Plaintiffs understand from local counsel in Ukraine that this process, including obtaining the necessary translations for filing confirmation of service with this Court, will likely take several more weeks.
- Mr. Vynnychenko. The court has scheduled a hearing for November 4, 2020 on Plaintiffs' request to serve Mr. Vynnychenko. If Mr. Vynnychenko appears for that hearing and service is completed, then Plaintiffs can proceed with obtaining the Certificate of Service from the Ukrainian Ministry of Justice. If Mr. Vynnychenko does not appear, then Plaintiffs understand that the hearing and attendant notices will need to be reset to another date in order to effect service under the Hague Convention.

Next Status Report. Given the ongoing efforts and challenges for serving under the Hague Convention in Ukraine, Plaintiffs respectfully request that the Court schedule another status conference in approximately 90 days, by which time Plaintiffs hope to have completed and obtained confirmation of service in Ukraine on both Messrs. Vynnychenko and Besshapochny.

DATED this 2nd day of November, 2020.

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